

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9136

IN THE MATTER OF:

Served November 15, 2005

Application of ELLERBE GROUP	)	Case No. AP-2005-125
CORPORATION, Trading as ELLERBE	)	
TRANSPORTATION SERVICE, for a	)	
Certificate of Authority --	)	
Irregular Route Operations	)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a seating capacity of less than 16 persons only, including the driver. The application is unopposed.

This is applicant's third application. Applicant was first granted operating authority in 1996, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents.<sup>1</sup> Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.<sup>2</sup>

Applicant re-applied and was again granted operating authority last year, contingent upon applicant filing additional documents.<sup>3</sup> Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval for a second time.<sup>4</sup>

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<sup>1</sup> See In re Ellerbe Group Corp., t/a Ellerbe Transp. Serv., No. AP-96-56, Order No. 4968 (Nov. 14, 1996) (conditionally granting Certificate No. 370).

<sup>2</sup> See id. (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

<sup>3</sup> See In re Ellerbe Group Corp., t/a Ellerbe Transp. Serv., No. AP-04-109, Order No. 8274 (Sept. 20, 2004) (conditionally granting Certificate No. 370).

<sup>4</sup> See id. (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains rates for transportation under a contract with Health Services for Children With Special Needs, Inc., rates for transportation under the District of Columbia Medicaid program, and rates for wheelchair van service to others.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules, regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Based on the evidence in this record, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant is reminded that if it fails to timely satisfy the conditions of issuance a third time, Regulation No. 66 would bar any further application for a period of one year.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 370 shall be issued to Ellerbe Group Corporation, trading as Ellerbe Transportation Service, 5212 4th Street, N.W., Washington, DC 20011.

2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until Certificate of Authority No. 370 has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence

of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES, MILLER, AND SMITH:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', is positioned above the printed name.

William S. Morrow, Jr.  
Executive Director